

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7301

BILL NUMBER: HB 1266

NOTE PREPARED: Mar 17, 2011

BILL AMENDED: Mar 17, 2011

SUBJECT: Clark, Henry, and Madison County Courts.

FIRST AUTHOR: Rep. Stemler

FIRST SPONSOR: Sen. Bray

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Clark County*- It establishes a unified circuit court for Clark County by combining the current judge of the Clark Circuit Court and the three judges of the Clark Superior Court into a unified circuit court with four judges. It specifies that the Clark Superior Court judges serving on December 31, 2011, serve as judges of the unified circuit court beginning January 1, 2012. It transfers all cases and other matters pending in the Clark Superior Court at the close of business on December 31, 2011, to the unified circuit court on January 1, 2012. It repeals provisions concerning the establishment and operation of the Clark Superior Court.

- B. *Madison County*- It establishes a unified circuit court for Madison County by combining the current judge of the Madison Circuit Court and the five judges of the Madison Superior Court into a unified circuit court with six judges. It specifies that the Madison Superior Court judges serving on June 30, 2011, serve as judges of the unified circuit courts beginning July 1, 2011. It transfers all cases and other matters pending in the Madison Superior Court at the close of business on June 30, 2011, to their respective circuit courts on July 1, 2011. It repeals provisions concerning the establishment and operation of the Madison Superior Court.

- C. *Henry County*- It establishes a unified circuit court for Henry County by combining the current judge of the Henry Circuit Court and the two judges of the Henry Superior Court into a unified circuit court with three judges. It specifies that the Henry Superior Court judges serving on June 30, 2011, serve as judges of the unified circuit court beginning July 1, 2011. It transfers all cases and other matters pending in the Henry Superior Court at the close of business on June 30, 2011, to the circuit

court on July 1, 2011. It repeals provisions concerning the establishment and operation of the Henry Superior Court.

- D. *Commission on Courts Expiration Date*- It changes the expiration date of the Commission on Courts from June 30, 2011, to June 30, 2015.

Effective Date: (Amended) June 29, 2011; June 30, 2011; July 1, 2011; December 31, 2011; January 1, 2012.

Explanation of State Expenditures: (Revised) The bill extends the Commission on Courts for an additional four years. The Commission is a 13-member study committee composed of the Chief Justice of the Indiana Supreme Court, eight legislators, one trial court judge, a county commissioner, a member of a county council, and a clerk of a circuit court.

The Commission operates under the policies governing study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members.

(Revised) *Background Information-*

Duties of the Commission on Courts include:

- Reviewing and reporting on all requests for new courts or changes in jurisdiction of existing courts.
- Conducting research concerning requests for new courts or changes in jurisdiction of existing courts.
- Conducting public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts.
- Reviewing and reporting on any other matters relating to court administration that the Commission determines appropriate, including court fees, court personnel, salaries, jury selection, and any other issues that relate to the operations of the courts

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill could, at a minimum, redistribute the workload between the courts in Clark, Henry, and Madison Counties, respectively, depending on the rules and agreements between the judges.

Weighted Caseload Analysis- The following tables show the weighted caseload analysis for each of these three courts in CY 2009 and the number of judicial officers that each court needs to dispose of its workload. The Weighted Caseload Study published by the Indiana Supreme Court's Division of State Court Administration can identify the efficiencies of the current court systems.

This study is based on a methodology that assigns a normative amount of time that each type of case would take to be resolved. Criminal cases, particularly capital murder cases, take the longest amount of time, while disposing infractions and ordinance violation cases takes the least.

Based on the number of filings that each court receives and the average time that each case should require to make a decision, the weighted caseload method can estimate the number of judicial officers needed to

decide these cases within this normative framework. The "Need" column represents the number of judicial officers that the court needs to resolve its mixture of cases based on the average number of minutes needed for each case category. The "Have" category represents the number of judicial officers that each court has available. The "Utilization" is simply the "Need" divided by the "Have".

2009 Weighted Caseload Analysis – Clark County			
Court	Need	Have	Utilization
Circuit Court	1.84	1.1	1.7
Superior Court #1	2.58	1.6	1.6
Superior Court #2 (Drug Court)	2.16	1.0	2.2
Superior Court #3	3.63	1.5	2.4
Total for Clark County	10.21	5.2	2.0

2009 Weighted Caseload Analysis – Henry County			
Court	Need	Have	Utilization
Circuit Court	1.85	1.3	1.42
Superior Court #1	1.05	1.25	0.84
Superior Court #2	1.01	1.0	1.01
Total for Henry County	3.91	3.55	1.1

2009 Weighted Caseload Analysis – Madison County			
Court	Need	Have	Utilization
Circuit Court	1.95	1.4	1.4
Superior Court #1	1.98	1.46	1.4
Superior Court #2	3.45	1.6	2.2
Superior Court #3	1.88	1.4	1.3
Superior Court #4	1.52	1.1	1.4
Superior Court #5	1.60	1.1	1.5
Total for Madison County	12.38	8.06	1.5

The average utilization rate per court in Indiana in 2009 was 1.35.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts in Clark, Henry, and Madison Counties.

Information Sources: Division of State Court Administration, Indiana Supreme Court.

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